



Employee Business Unit (EBU)

Chapter 357-43 WAC is written to define the human resource side of new competitive contracting processes brought about as a result of the Personnel System Reform Act of 2002. The object of the rules is to ensure appropriate rules and laws have been followed.

What is an employee business unit (EBU)?

When the Employer considers contracting services currently performed by state employees, those employees whose positions or work would be displaced may form a unit with the intent to submit a bid for the performance of that service. This group of employees is an employee business unit (EBU). A displaced employee is a classified employee whose position or work is eliminated, causing the employee to be laid off or assigned to a different job classification, as a result of a contract awarded through the competitive contracting process.

Find out more on the Department of Personnel's Web site at:

<http://hr.dop.wa.gov/hrreform/AdoptedRules/357-43.htm>.

and the Department of General Administration's Web site:

<http://www.ga.wa.gov/competitivecontracting/faq.htm#Employee%20Business%20Units>

Where are the rules about the competitive contracting processes?

They are set forth in the Department of General Administration rules in [WAC 236-51](#) available on the GA site at <http://www.ga.wa.gov/competitivecontracting>.

How will we know if the Employer is considering competitive contracting?

If the Employer intends to solicit bids for contract services that will displace classified employees, it must notify those employees 90 days before the solicitation. The displaced employees then have an opportunity to prepare and offer alternatives to competitive contracting.

Additionally, if any of the displaced employees are in a bargaining unit, the Employer shall provide a similar notice to the union representing that bargaining unit.

Will I still be a state employee if I join an EBU?

Yes, current classified employees will continue to be classified employees if they are in an EBU. This applies both to general classified service and Washington Management Service employees.

What rules will apply to me if I join an EBU?

[Chapter 357-43 WAC](#) applies to members of an Employee Business Unit, however unless specifically referenced within chapter 357-43 WAC, other civil service rules do not apply. Additionally, all state and federal statutes still apply, and legal holidays will be observed. However, compensation for holidays will be determined by your EBU's contract with the Employer.

Employee Business Unit members who are in a bargaining unit covered by a collective bargaining agreement will still be covered by the terms of that collective bargaining agreement to the extent the EBU's contract with the Employer does not specify otherwise.

What happens to my retirement account if I'm in an EBU?

Members of an EBU remain classified state employees. Therefore, your retirement account will remain the same.

What happens if I'm not part of an EBU that gets the contract or if the Employer awards the contract to another entity?

Depending on the circumstances, one of following could occur:

- If you are affected by competitive contracting but not part of an EBU that is awarded the contract, and the EBU takes action that results in your layoff, the Employer's layoff procedure will apply.
- If another entity is awarded the contract, and that entity takes action that results in your layoff, the Employer's layoff procedures will apply.

Can I change my mind about being a member of an EBU?

Yes, but you risk losing your job. If the Employer has not yet announced its intent to award the contract to the EBU when you change your mind, the subsequent actions of the EBU could result in your lay off. If the Employer has announced its intent to award the contract to the EBU when you change your mind, leaving the EBU may constitute a resignation from your job.

What if no one else in my work unit wants to put together an EBU to bid on the work?

An EBU may be comprised of any classified employees who perform services to be contracted, including supervisors, non-represented employees, employees from more than one bargaining unit, and employees represented by different bargaining representatives. Additionally, since there is no limit on the number of members that comprise an EBU, a single employee could elect to form an EBU and compete for the work.

Where can I find out more about competitive contracting?

Go to the Department of General Administration web site at <http://www.ga.wa.gov/competitivecontracting>.

This document is a summary to help employees and agencies understand the changes that will result from the new civil service rules. For more specific information, please see the full text of the new rules. A full copy of the adopted rules, additional guidance, and the latest information about Civil Service Reform activities can be found at <http://hr.dop.wa.gov/hrreform> . Information about the other Washington Works projects is provided at <http://washingtonworks.wa.gov>.